

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CHARLIE RAY,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:08cv30

Chief Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on June 30, 2009 a Report and Recommendation (Doc. 10). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 12), defendant's filed a response to the objections (Doc. 13) and plaintiff's filed a reply to the response (Doc. 14).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation will not be adopted. The Court also notes that subsequent to the decision of the Administrative Law Judge, additional medical information was submitted to the Appeals Council, as well as a July 13, 2009 deposition by Dr. George Lester which was submitted to the District Court.

Accordingly, the decision of the Commissioner, that Plaintiff was not entitled to a period of disability and disability income benefits is **REMANDED** for consideration of new evidence and this matter is terminated on the docket.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court